



General Assembly

**Substitute Bill No. 5412**

February Session, 2016

\* \_\_\_\_\_HB05412TRA\_\_\_\_\_031516\_\_\_\_\_\*

**AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF MOTOR VEHICLES REGARDING HAZARDOUS MATERIALS, CAR DEALERS, STUDENT TRANSPORTATION VEHICLE OPERATORS, DIVERSION PROGRAMS AND MOTOR VEHICLE INSPECTORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2016*) (a) Any person who  
2       engages in interstate or intrastate commerce on the highways of this  
3       state and transports hazardous materials, as defined in 49 CFR 171.8,  
4       shall comply with the provisions of 49 CFR Parts 105 to 173, inclusive,  
5       and 49 CFR Parts 177 to 180, inclusive.

6       (b) Except as otherwise provided in subsection (c) of this section,  
7       any person described in subsection (a) of this section who violates any  
8       provision of 49 CFR 107.620, 49 CFR 171, Subpart A, 49 CFR 172,  
9       Subparts A to I, inclusive, 49 CFR 173, Subparts A to G, inclusive, 49  
10      CFR 177, Subparts A to E, inclusive, 49 CFR 178, Subparts A to C,  
11      inclusive, H and J to S, inclusive, or 49 CFR 180, Subparts A and C to  
12      G, inclusive, shall have committed an infraction.

13      (c) Any person described in subsection (a) of this section who  
14      violates any provision of 49 CFR 172.505(a), 49 CFR 172.507(a), 49 CFR  
15      173.24(b) or 49 CFR 177.835 shall, for a first offense, be guilty of a class  
16      D misdemeanor and, for any subsequent offense of the same provision,  
17      be guilty of a class A misdemeanor.

18 (d) A motor vehicle inspector, designated under section 14-8 of the  
19 general statutes and certified pursuant to section 7-294d of the general  
20 statutes, or a state or municipal police officer, shall enforce the  
21 provisions of this section, provided such inspector or officer (1) has  
22 inspection authority pursuant to section 14-163c-9 of the regulations of  
23 Connecticut state agencies, and (2) has satisfactorily completed a  
24 course of instruction in specialized hazardous materials provided by  
25 the United States Department of Transportation Federal Motor Carrier  
26 Safety Administration.

27 Sec. 2. Subsection (c) of section 14-44a of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective July*  
29 *1, 2016*):

30 (c) Any person who violates the provisions of subsection (a) of this  
31 section shall operate a motor vehicle in violation of the classification of  
32 the license issued to [him] such person, and shall be subject to the  
33 penalties provided in subsection [(f)] (g) of section 14-36a and section  
34 14-44k.

35 Sec. 3. Subsection (a) of section 14-52a of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective July*  
37 *1, 2016*):

38 (a) The commissioner may, after notice and hearing, refuse to grant  
39 or renew a license to a person, firm or corporation to engage in the  
40 business of selling or repairing motor vehicles pursuant to the  
41 provisions of section 14-52 if the applicant for or holder of such a  
42 license, or an officer or major stockholder if the applicant or licensee is  
43 a firm or corporation, has been convicted of a violation of any  
44 provision of laws pertaining to the business of a motor vehicle dealer  
45 or repairer including a motor vehicle recycler, or of any violation  
46 involving fraud, larceny or deprivation or misappropriation of  
47 property, in the courts of the United States or of any state. [At the time  
48 of application for or renewal of such a license, each applicant or] Each  
49 applicant for such a license shall submit to a state criminal history

50 records check, conducted in accordance with section 29-17a and based  
51 on the applicant's name and date of birth, not more than thirty days  
52 before such application is made and provide the results of such records  
53 check to the Department of Motor Vehicles. Upon renewal of such  
54 license, such licensee shall make full disclosure of any such conviction  
55 [within the last five years] under penalty of false statement.

56 Sec. 4. Section 14-54 of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective July 1, 2016*):

58 [(a) Any person who desires to obtain a license for dealing in or  
59 repairing motor vehicles in a municipality having a population of no  
60 less than twenty thousand shall first obtain and present to the  
61 commissioner a certificate of approval of the location for which such  
62 license is desired from the board or authority designated by local  
63 charter, regulation or ordinance of the town, city or borough wherein  
64 the business is located or is proposed to be located, except that in any  
65 town or city having a zoning commission, combined planning and  
66 zoning commission and a board of appeals, such certificate shall be  
67 obtained from the zoning commission. The provisions of this section  
68 do not apply to (1) a transfer of ownership to a spouse, child, brother,  
69 sister or parent of a licensee, (2) a transfer of ownership to or from a  
70 corporation in which a spouse, child, brother, sister or parent of a  
71 licensee has a controlling interest, or (3) a change in ownership  
72 involving the withdrawal of one or more partners from a partnership.]

73 [(b)] Any person who desires to obtain a license for dealing in or  
74 repairing motor vehicles [in a municipality with a population of less  
75 than twenty thousand] shall first obtain and present to the  
76 commissioner a certificate of approval of the location for which such  
77 license is desired from the board or authority designated by local  
78 charter, regulation or ordinance of the town, city or borough wherein  
79 the business is located or is proposed to be located, except that in any  
80 town or city having a zoning commission, combined planning and  
81 zoning commission and a board of appeals, such certificate shall be  
82 approved by the board of appeals. In addition thereto, such certificate

83 shall be approved by the [chief of police where there is an organized  
84 police force or, where there is none, by the commander of the state  
85 police barracks situated nearest to such proposed location] local  
86 building official and local fire marshal. The provisions of this section  
87 shall not apply to (1) a transfer of ownership to a spouse, child,  
88 brother, sister or parent of a licensee, (2) a transfer of ownership to or  
89 from a corporation in which a spouse, child, brother, sister or parent of  
90 a licensee has a controlling interest, or (3) a change in ownership  
91 involving the withdrawal of one or more partners from a partnership.

92 Sec. 5. Subsection (b) of section 14-61 of the 2016 supplement to the  
93 general statutes is repealed and the following is substituted in lieu  
94 thereof (*Effective October 1, 2016*):

95 (b) The commissioner [may] shall require any dealer who is  
96 authorized to issue a temporary transfer of registration in accordance  
97 with subsection (a) of this section or a new registration in accordance  
98 with subsection (c) of section 14-12 to file each application for a  
99 permanent registration [by electronic transmission of an electronic  
100 record] electronically if the commissioner determines that the dealer  
101 files, on average, [ten] seven or more such applications for permanent  
102 registration each month with the Department of Motor Vehicles. [The  
103 provisions of this subsection do not preclude any such dealer from  
104 filing an application for a permanent registration in person at any  
105 branch office of the department.] Any dealer may make a written  
106 request to the commissioner for an exemption from filing such  
107 applications electronically due to a hardship, including, but not limited  
108 to, a lack of access to a device capable of communicating electronically.  
109 The commissioner may enter into an agreement with one or more  
110 nonprofit associations or organizations representing the interests of  
111 motor vehicle dealers to file such applications electronically on behalf  
112 of such dealer. The commissioner may authorize such nonprofit  
113 association or organization to charge a convenience fee, in an amount  
114 to be determined by the commissioner, to each dealer for an  
115 application submitted electronically by such nonprofit association or

116 organization.

117 Sec. 6. Subsection (g) of section 14-227b of the general statutes is  
118 repealed and the following is substituted in lieu thereof (*Effective July*  
119 *1, 2016*):

120 (g) If such person contacts the department to schedule a hearing, the  
121 department shall assign a date, time and place for the hearing, which  
122 date shall be prior to the effective date of the suspension, except that,  
123 with respect to a person whose operator's license or nonresident  
124 operating privilege is suspended in accordance with subdivision (2) of  
125 subsection (e) of this section, such hearing shall be scheduled not later  
126 than thirty days after such person contacts the department. At the  
127 request of such person, [or] the hearing officer or the department and  
128 upon a showing of good cause, the commissioner may grant one or  
129 more continuances. The hearing shall be limited to a determination of  
130 the following issues: (1) Did the police officer have probable cause to  
131 arrest the person for operating a motor vehicle while under the  
132 influence of intoxicating liquor or any drug or both; (2) was such  
133 person placed under arrest; (3) did such person refuse to submit to  
134 such test or analysis or did such person submit to such test or analysis,  
135 commenced within two hours of the time of operation, and the results  
136 of such test or analysis indicated that such person had an elevated  
137 blood alcohol content; and (4) was such person operating the motor  
138 vehicle. In the hearing, the results of the test or analysis shall be  
139 sufficient to indicate the ratio of alcohol in the blood of such person at  
140 the time of operation, provided such test was commenced within two  
141 hours of the time of operation. The fees of any witness summoned to  
142 appear at the hearing shall be the same as provided by the general  
143 statutes for witnesses in criminal cases. Notwithstanding the  
144 provisions of subsection (a) of section 52-143, any subpoena  
145 summoning a police officer as a witness shall be served not less than  
146 seventy-two hours prior to the designated time of the hearing.

147 Sec. 7. Subsection (j) of section 14-227b of the general statutes is  
148 repealed and the following is substituted in lieu thereof (*Effective July*

1, 2016):

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from or a urine sample provided by an operator of a motor vehicle involved in an [accident] incident who suffered or allegedly suffered physical injury in such [accident,] incident or [is] was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a in connection with such [accident] incident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such

183 hearing, the commissioner finds on any one of the said issues in the  
184 negative, the commissioner shall not impose a suspension. The fees of  
185 any witness summoned to appear at the hearing shall be the same as  
186 provided by the general statutes for witnesses in criminal cases, as  
187 provided in section 52-260.

188 Sec. 8. Section 14-227k of the general statutes is repealed and the  
189 following is substituted in lieu thereof (*Effective July 1, 2016*):

190 (a) No person whose right to operate a motor vehicle has been  
191 restricted pursuant to an order of the court under subsection (b) of  
192 section 14-227j, [or] by the Commissioner of Motor Vehicles [pursuant  
193 to subsection (i) of section 14-227a or subsection (i) of section 14-111] or  
194 by any provision of law that requires the use of an ignition interlock  
195 device shall (1) request or solicit another person to blow into an  
196 ignition interlock device or to start a motor vehicle equipped with an  
197 ignition interlock device for the purpose of providing such person with  
198 an operable motor vehicle, or (2) operate any motor vehicle not  
199 equipped with a functioning ignition interlock device or any motor  
200 vehicle that a court has ordered such person not to operate.

201 (b) No person shall tamper with, alter or bypass the operation of an  
202 ignition interlock device for the purpose of providing an operable  
203 motor vehicle to a person whose right to operate a motor vehicle has  
204 been restricted pursuant to an order of the court under subsection (b)  
205 of section 14-227j, [or] by the Commissioner of Motor Vehicles  
206 [pursuant to subsection (i) of section 14-227a or subsection (i) of section  
207 14-111] or by any provision of law that requires the use of an ignition  
208 interlock device.

209 (c) (1) Any person who violates any provision of subdivision (1) of  
210 subsection (a) or subsection (b) of this section shall be guilty of a class  
211 C misdemeanor.

212 (2) Any person who violates any provision of subdivision (2) of  
213 subsection (a) of this section shall be subject to the penalties set forth in

214 subsection (c) of section 14-215.

215 (d) Each court shall report each conviction under subsection (a) or  
216 (b) of this section to the Commissioner of Motor Vehicles, in  
217 accordance with the provisions of section 14-141. The commissioner  
218 shall suspend the motor vehicle operator's license or nonresident  
219 operating privilege of the person reported as convicted for a period of  
220 one year.

221 Sec. 9. Subsection (b) of section 14-275c of the general statutes is  
222 repealed and the following is substituted in lieu thereof (*Effective July*  
223 *1, 2016*):

224 (b) The commissioner shall adopt regulations, in accordance with  
225 the provisions of chapter 54, governing (1) the inspection, registration,  
226 operation and maintenance of motor vehicles used by any carrier to  
227 transport students, and (2) the licensing of operators of such vehicles.  
228 A person who has attained the age of seventy shall be allowed to hold  
229 a license endorsement for the purpose of operating a motor vehicle to  
230 transport children requiring special education provided such person  
231 meets the minimum physical requirements set by the commissioner  
232 and agrees to submit to a physical examination by a medical examiner,  
233 certified in accordance with 49 CFR 390.109, at least [twice a year or  
234 when] annually or more frequently if requested to do so by such  
235 medical examiner or the superintendent of the school system in which  
236 such person intends to operate such vehicle.

237 Sec. 10. Subsection (a) of section 17a-696 of the general statutes is  
238 repealed and the following is substituted in lieu thereof (*Effective*  
239 *October 1, 2016*):

240 (a) The provisions of this section shall not apply to any person  
241 charged with a violation of section 14-227a, 14-227g, 53a-56b or 53a-  
242 60d or with a class A, B or C felony or to any person who was twice  
243 previously ordered treated under this section, subsection (i) of section  
244 17-155y, section 19a-386 or section 21a-284 of the general statutes



245 revised to 1989, or any combination thereof. The court may waive the  
246 ineligibility provisions of this subsection for any person, except that  
247 the court shall not waive the ineligibility provisions of this subsection  
248 for any person charged with a violation of section 14-227a, 14-227g,  
249 53a-56b or 53a-60d if, at the time of the offense, such person was  
250 operating a commercial vehicle, as defined in section 14-1, or held a  
251 commercial driver's license or a commercial driver's instruction  
252 permit.

253 Sec. 11. Subsection (b) of section 53a-217b of the general statutes is  
254 repealed and the following is substituted in lieu thereof (*Effective*  
255 *October 1, 2016*):

256 (b) The provisions of subsection (a) of this section shall not apply to  
257 the otherwise lawful possession of a firearm (1) by a person for use in a  
258 program approved by school officials in or on such school property or  
259 at such school-sponsored activity, (2) by a person in accordance with  
260 an agreement entered into between school officials and such person or  
261 such person's employer, (3) by a peace officer, as defined in  
262 subdivision (9) of section 53a-3, while engaged in the performance of  
263 such peace officer's official duties, [or] (4) by a person while traversing  
264 such school property for the purpose of gaining access to public or  
265 private lands open to hunting or for other lawful purposes, provided  
266 such firearm is not loaded and the entry on such school property is  
267 permitted by the local or regional board of education, or (5) by a motor  
268 vehicle inspector, designated under section 14-8 and certified pursuant  
269 to section 7-294d, while engaged in the performance of such motor  
270 vehicle inspector's official duties.

271 Sec. 12. (NEW) (*Effective from passage*) (a) Commencing January 15,  
272 2017, and annually thereafter, the Department of Motor Vehicles shall  
273 submit a report, in accordance with the provisions of section 11-4a of  
274 the general statutes, to the joint standing committee of the General  
275 Assembly having cognizance of matters relating to the Department of  
276 Motor Vehicles. Such annual report shall (1) identify specific goals  
277 indicating acceptable waiting times at the main office and branch

278 offices of the department, (2) summarize actions undertaken by the  
 279 department in the previous year to achieve such goals, and (3) include  
 280 a strategy to achieve or exceed such goals in the upcoming year. The  
 281 joint standing committee may hold a public hearing on such report not  
 282 later than thirty days after receipt of such report. The Commissioner of  
 283 Motor Vehicles, or the commissioner's designee, shall testify at any  
 284 such public hearing.

285 (b) Commencing August 15, 2016, and monthly thereafter, the  
 286 Department of Motor Vehicles shall submit a report, in accordance  
 287 with the provisions of section 11-4a of the general statutes, to the joint  
 288 standing committee of the General Assembly having cognizance of  
 289 matters relating to the Department of Motor Vehicles on the length of  
 290 waiting times at the main office and branch offices of the department.  
 291 Such report shall include the following information for the month  
 292 prior to the month in which the report is submitted: (1) For the main  
 293 office and each branch office of the department that utilizes a  
 294 numbered ticketing system, (A) the average time that elapses from the  
 295 time a person receives a numbered ticket to the time such person  
 296 receives customer service, (B) whether the average waiting time  
 297 decreased or increased from the previous reporting period, and (C) the  
 298 number of transactions conducted at such offices that could have been  
 299 conducted on the Internet web site of the department; and (2) the  
 300 number of transactions conducted on the Internet web site of the  
 301 department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	14-44a(c)
Sec. 3	<i>July 1, 2016</i>	14-52a(a)
Sec. 4	<i>July 1, 2016</i>	14-54
Sec. 5	<i>October 1, 2016</i>	14-61(b)
Sec. 6	<i>July 1, 2016</i>	14-227b(g)
Sec. 7	<i>July 1, 2016</i>	14-227b(j)
Sec. 8	<i>July 1, 2016</i>	14-227k

Sec. 9	<i>July 1, 2016</i>	14-275c(b)
Sec. 10	<i>October 1, 2016</i>	17a-696(a)
Sec. 11	<i>October 1, 2016</i>	53a-217b(b)
Sec. 12	<i>from passage</i>	New section

***Statement of Legislative Commissioners:***

In Section 1, each reference to a federal regulation was revised for accuracy and consistency with the drafting conventions of the general statutes, in Section 3, "for such a license" was added for clarity and in Section 12(b), "point at which" was changed to "time" for clarity.

**TRA**      *Joint Favorable Subst.*